

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 21-cr-108 (PAM/TNL)

Plaintiff,

v.

ORDER

Derek Michael Chauvin (1),
Tou Thao (2),
J. Alexander Kueng (3), and
Thomas Kiernan Lane (4),

Defendants.

Defendants Derek Michael Chauvin, Tou Thao, J. Alexander Kueng, and Thomas Kiernan Lane have each indicated through counsel that they consent to videoconferencing for the arraignment and criminal motions hearing. (ECF Nos. 45, 47, 49, 54, 61, 86.) Consistent with the health and safety protocols of this Court and the facility in which Defendant Chauvin is detained, the criminal motions hearing has been scheduled for **September 14, 2021, at 10:00 a.m., before the undersigned and will occur by Zoom videoconferencing technology.** (ECF No. 107.) Login information will be provided to counsel.

The District of Minnesota has developed guidance for participating in proceedings held by videoconference, *available at* <https://www.mnd.uscourts.gov/sites/mnd/files/Preparing-to-Participate-in-a-Zoom->

Video-Conference.pdf (hereinafter “Zoom Hearing Protocol”).¹ The District of Minnesota has also developed specific guidance for Defendants appearing for their arraignments by videoconference, *available at* <https://www.mnd.uscourts.gov/sites/mnd/files/Expectations-for-Remote-Appearances-for-Initial-Appearances-and-Arraignments.pdf> (hereinafter “Criminal Zoom Protocol”). Please review both documents well in advance of the hearing. To the extent this Order and the protocols conflict, this Order controls.

Any recording of a proceeding held by video or teleconference, including “screen-shots” or other visual or audio copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions.

In light of the Court’s duty to ensure the effective and expeditious administration of justice, **IT IS HEREBY ORDERED** that:

1. ATTORNEYS

- a. **Internet Connection.** Counsel shall ensure that their internet, video, and audio connections are in working order prior to the hearing. *See* Zoom Hearing Protocol at 1-2; Criminal Zoom Protocol at 1-2.
- b. **Login Time.** Counsel shall log in to the virtual hearing 30 minutes prior to the scheduled commencement of the hearing.
- c. **Location of Parties.** All out of custody Defendants shall appear from the same location as their respective counsel unless it is not possible or appropriate due to concerns regarding the transmission of the COVID-19 virus. Criminal Zoom Protocol at 2. If for any reason an out of custody Defendant cannot appear with counsel, counsel shall follow the guidelines set forth in the Criminal Zoom Protocol. *Id.*

¹ The Zoom Hearing Protocol includes links to virtual courtroom backgrounds, which counsel should use for the hearing. Zoom Hearing Protocol at 2.

- d. **Number of Attorneys.** Counsel shall notify the Court via e-mail to leung_chambers@mnd.uscourts.gov by **September 7, 2021**, if more than one attorney will be present representing a party.
 - e. **Anticipated Family Observation.** Sharing the link to the Zoom hearing is prohibited without prior authorization of the Court. Counsel shall contact the Court via e-mail at leung_chambers@mnd.uscourts.gov by **September 10, 2021**, if family wishes to observe the hearing.
 - f. **Exhibits:**
 - i. **During the hearing, counsel shall be prepared to show, play, or otherwise present all exhibits through screensharing in Zoom.**²
 - ii. **Documents.** Counsel shall pre-mark and make .pdf copies of all such possible exhibits that they may seek to introduce at the hearing, and e-mail one complete set thereof to the Court at leung_chambers@mnd.uscourts.gov **no later than 12:00 p.m. on September 10, 2021**. Counsel shall also e-mail one complete set of .pdf copies of all such potential pre-marked exhibits to opposing counsel **no later than 4:00 p.m. on September 10, 2021**.
 - iii. **Video/Audio Recordings.** Counsel shall pre-mark and make electronic copies (whether by DVD, USB drive, or similar electronic media) of all such possible exhibits that they may seek to introduce at the hearing, and send one complete set thereof to the Court **to arrive no later than 12:00 p.m. on September 10, 2021**. Counsel shall also send one complete set of all such potential pre-marked exhibits to opposing counsel **to arrive no later than 4:00 p.m. on September 10, 2021**.
2. **MEDIA ACCESS.** Information on media access to remote hearings may be found at <https://www.mnd.uscourts.gov/media-information>.
- a. Members of the media who have received their credentials from the U.S. District Court for the District of Minnesota may request to observe the proceeding.
 - b. Credentialed media shall follow instructions for video access to the hearing.

² See, e.g., *Sharing your screen, content, or second camera*, Zoom Video Communications, Inc., <https://support.zoom.us/hc/en-us/articles/201362153-Sharing-your-screen-content-or-second-camera>.

- c. The media is reminded that any recording of a court proceeding held by video or teleconference, including “screen-shots” or other visual or audio copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions.
3. **PUBLIC ACCESS.** The Court grants real-time audio access to all interested members of the public.
 - a. Interested members of the public shall dial in using either **1-669-254-5252** or **1-646-828-7666**. Use Meeting ID **161 724 0971** and Passcode **5503507069**.
 - b. The public is reminded that any recording of a court proceeding held by video or teleconference, including “screen-shots” or other visual or audio copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions.

Date: August 26, 2021

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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